



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, MONDAY, MARCH 18, 2002

No. 31

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, a thousand years in Your sight are like yesterday when it is past. Lord of Time, You divide our lives into years, months, weeks, and hours. As we live our lives, You make us very conscious of the passage of time, the shortness of time to accomplish what we want, and our impatience with other people's priorities in the use of time. We have learned that work expands to fill the time available, but also that deadlines are a part of life.

Here we are at the beginning of a crucial week before the Spring recess begins on Friday. Grant the Senators and their staffs an expeditious use of the hours of this week to accomplish what really needs to be done. Help the parties work together to finish what is crucial for America. Grant us all an acute sense of the value of time and our accountability to You for using it wisely. We believe there is enough time in this week to do what You want done. We press on without pressure but with promptness to Your timing. You are always on time, in time to help us in the use of time. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. As if in executive session, I ask unanimous consent that the vote on confirmation of Executive Calendar No. 705 occur at 5:50 p.m. today, with the remaining provisions of the previous order in effect.

Mr. LOTT. Reserving the right to object, let me clarify if I may. We are moving the vote under this unanimous consent agreement from 6 p.m. to 5:50, and I assume, because we are moving that vote to begin earlier—some Senators might have thought it would begin at 6—if necessary we might delay the conclusion somewhat.

Mr. REID. I say to my friend, it would be the first time we ever delayed a vote, but we will do that.

Mr. LOTT. There is a first time for everything.

I withdraw my reservation.

Mr. REID. I ask unanimous consent we now proceed to a period of morning business until 4:30 today.

I see the Republican leader. I ask he be allowed to speak first, of course, and then Senator GRASSLEY wishes to speak for up to 8 minutes, and then Senator BYRD would speak for up to 40 minutes.

Mr. LOTT. Mr. President, we are extending the morning business for an hour and a half; I presume that time would be equally divided.

Mr. REID. We will do our best to equally divide it. The only two speakers we know of are Senators GRASSLEY and BYRD. But if someone comes in, we will make sure the minority has equal billing until 6 p.m. It could be hard to get Members over here. We hope others are coming. We will make sure we are as fair as we can in allocating the time.

The PRESIDENT pro tempore. Is there objection to the first request

with respect to setting the vote at 5:50 p.m.?

Without objection, it is so ordered.

Is there objection to the second request?

Without objection, it is so ordered.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. GRASSLEY.

TRADE PROMOTION AUTHORITY

Mr. GRASSLEY. Mr. President, I rise to speak on a subject that I hope will be on the Senate's agenda after we come back from Easter recess, which I think starts at the end of this week. That issue is Trade Promotion Authority for the President.

It is time for the Senate to pass Trade Promotion Authority, not only for President Bush, because he has asked for it, but because every President ought to have this authority. The President needs this authority to help in the reduction of non-tariff trade barriers as well as tariffs and to negotiate international trade agreements.

It has been over a decade since our Nation has had Trade Promotion Authority for the President. Since that time, we have fallen further behind. This map shows how far behind we are. It shows that the rest of the world is no longer going to stand around and wait for the United States to show leadership on trade.

Here you can see all these countries in red. That sea of red represents 111 countries that are a party to more than 130 free trade agreements that do not include the United States of America. The United States was not at the negotiating table for these 130 free trade agreements. How many free trade agreements do we have with other countries? Three!

Until just last year, with the passage of the Jordan Free Trade Agreement, it had been over 6 years since the United States enacted a free trade agreement with another country. Our failure to act, in fact, does make a difference.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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While we stay on the sidelines, the rest of the world moves ahead, concluding an average of twenty new free trade agreements every year. The European Union alone has signed preferential agreements with 27 countries and is right now working on 15 more. That means other countries are writing the rules of trade, and the United States is not at the table. The rules these other countries write are not designed to benefit U.S. companies and U.S. workers. When other countries write the rules of trade, we lose.

In the absence of Trade Promotion Authority, we have allowed our foreign competitors to make deals that have placed U.S. interests at a disadvantage. If we do not pass Trade Promotion Authority soon, then we are going to continue to fall further and further behind. We will sit on the sidelines and our competitors will continue to make deals that exclude us—it's a game plan for failure.

Without Trade Promotion Authority, American negotiating power to bring down trade barriers is severely limited. Foreign competitors will continue to weave a web of preferential trade and investment opportunities for themselves, and we will fall further behind. American companies, workers, and farmers are paying a high price for our inaction. Compared to their foreign counterparts, U.S. exporters often face higher tariffs, higher costs, and greater administrative delays, and even less favorable investment opportunities and protection.

While other countries negotiate free trade agreements, ensuring that their products sail across borders tax free, American workers face high tariffs that erode their competitive edge.

I will just give one example: Caterpillar, a corporation headquartered in the State of Illinois. Caterpillar's motor graders, made in the United States for export to Chile, face nearly \$15,000 in tariffs whereas Caterpillar, making those same motor graders in Brazil for export to Chile, only face a tariff of \$3,700. That ought to get anybody's attention about the importance of negotiating down these barriers.

Further, when Caterpillar's competitors produce the same product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free trade agreement.

We cannot continue to put U.S. workers at a disadvantage in the international marketplace. Isolationism is a failed policy that damages U.S. interests on many levels. This year the Senate has the ability to reject this failed policy by bringing up and passing Trade Promotion Authority. This is not the time for us to take a pass on policies that could enhance our global competitiveness and increase our economic stature worldwide.

Presidential leadership is very obvious in the war on terrorism. We have a strong diplomatic component to that. We have a strong military component to that. But we also need a strong eco-

nomic component to the President's leadership, and that can come in part through this President having Trade Promotion Authority.

The Senate Finance Committee reported Trade Promotion Authority out of our committee last year in its usual way of doing business, by a strong bipartisan vote of 18 to 3. I am confident when this bill comes to the floor it will receive bipartisan support from the entire Senate.

So it is time to get this bill, Trade Promotion Authority, on the Senate floor and get it passed. Renewing Trade Promotion Authority will help level the global playing field and create countless opportunities for our workers, our farmers, and our businesses.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on Senator GRASSLEY's request?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. LOTT. I ask unanimous consent he be allowed an additional 10 minutes so I may address some questions to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues for allowing that.

Mr. President, I say to Senator GRASSLEY from Iowa that I appreciate his remarks today, and I appreciate the work he has done in this area. I know he feels very strongly about the need for free trade and having open markets, but also that it be fair trade.

I know it is very important to a State such as Iowa, which not only is very much involved in the manufacturing area but particularly in agriculture because we could export a lot more of our agricultural products. So I thank him for the position he takes as a Senator from the great State of Iowa but also as a leader on the Finance Committee, both as former chairman and now as ranking member.

I emphasize, once again, the point he made that this Trade Promotion Authority was reported out of the Finance Committee by a vote of 18 to 3, which was a very wide, bipartisan vote.

I should note both the majority leader and minority leader voted for that package. Yet this bill has been languishing. The House passed this legislation on December 6 of last year. I think the Senate should have acted last year. It did not. I think it is imperative that we act within the near future.

I inquire of Senator GRASSLEY, has he been given any indication as to when this might come to the Senate for full Senate action? Does he know what commitments have been made?

Mr. GRASSLEY. We were told sometime this spring. Spring is fleeting. That is why I hope we can get a date definite that it will be brought up and it can be passed.

It will be particularly fruitful and beneficial to the President to have

Trade Promotion Authority now as he goes to the international conference at Monterey this week. It would be nice if he had it as he is going to visit Peru; as he is going to visit El Salvador. Wherever the President is going to go, this issue always comes up.

As I talked to Bob Zoellick, the U.S. Trade Representative who does our negotiations, the fact that the President does not have this authority weakens our position at the international conferences we attend, particularly now as we are beginning negotiations in Geneva, on what is called the Doha Round—it was agreed to last November, a brand new round of negotiations that hopefully will be finalized for about 3 years—for the President to be credible and his people to be credible at the negotiating table, we must have Trade Promotion Authority.

Mr. LOTT. My impression is that after we complete the energy legislation, and presumably the campaign finance reform issue—I guess that could be even after the Easter recess—the next order of business would be the budget resolution. Then Senator DASCHLE indicated we would go to trade at that point. I am not sure exactly what that means I presume sometime in late April or May.

But I do agree we need to act on this legislation. It is very unfortunate we did not move the Andean Trade Promotion Authority, which has also been reported by the House and been reported out by the Finance Committee but has not been cleared by the Senate. The President will be going to Peru this very week. The ambassadors and foreign ministers and Presidents of those countries, the Andean countries, had requested this legislation be passed, and indicated to me it had gone beyond being an issue of trade; it had gotten to be a very serious political problem in those countries. I am wondering about what exactly is the U.S. commitment to opportunity, trade options, and prosperity in those regions.

Of the countries which Senator GRASSLEY has listed, more and more countries are trading with these countries in Central and South America. We are really not in there the way we should be.

Recently, I had occasion to be in Spain, and I was surprised to find how much involvement Spain has in Central and South America, including, I believe, Spain owning the second largest bank in Central America.

That is just one example of what has happened there. These countries have an ever-growing number of free trade agreements. Yet the United States has only three trade agreements.

Is that correct?

Mr. GRASSLEY. We negotiated three trade agreements. Of these countries, 111 have negotiated 130 trade agreements.

Mr. LOTT. Mr. President, I am also very much worried. It appears that the way this will be brought to the floor, once again, is setting it up in such a

way that the Senate may not be able to act. On bill after bill, we have seen that recently. That happened with the stimulus bill. It happened with agriculture. We are not sure what the outcome is going to be on the energy bill.

When you bring a bill to the floor, and the substance of that bill is such that we have to write it on the floor of the Senate, that is a problem. But in the case of trade, I also see that we are being told it has to be coupled with trade adjustment assistance.

While there is a bipartisan feeling that there needs to be some assistance available in dealing with dislocated workers, at least on the interim basis, it includes, for instance, health care provisions that are going to be extremely controversial.

To say that bill has to come to the floor providing COBRA health insurance provisions for trade adjustment assistance in order to get trade promotion authority is to set ourselves up in such a way that it will be very hard—and maybe even impossible—to get this very important legislation through.

Does Senator GRASSLEY care to comment on that?

Mr. GRASSLEY. It is a very divisive issue. As Senator LOTT brought up about tax benefits for COBRA insurance, there was divisiveness during the debate on economic stimulus, and it kept economic stimulus from passing.

It seems to me that a bill that was voted out of committee by 18 to 3 should not be handled in any other spirit than the spirit of that vote within the Finance Committee, which is typical of the way the Senate ought to work, and also a follow-on of how our committee has always worked to produce good bills which have come out of the committee most of the time with bipartisan support.

In so many other areas other than just this one, I compliment my Democrat counterpart, Senator BAUCUS, and his staff for trying to work through some of the disagreements that might come up on the floor of the Senate.

I think there is a terrible pressure for more to be done, and that it is going to be divisive. I hope we can get past that. For instance, in the case of health insurance and incentives for the unemployed to have health insurance, that is a very worthy issue. But that ought to come up in the context of dealing with the issue, as the President has presented it, of tax credits for all of the uninsured so they will be able to buy health insurance. We should not take that issue up with the very narrow part of the unemployed because of the relationship to trade. That should come up as an issue for all of the uninsured, and we should deal with that as a separate issue.

Mr. LOTT. Mr. President, I thank Senator GRASSLEY for his comments. I take this occasion to emphasize that particular point, and serve notice that this could be an area of major concern and a serious problem in producing a

result on trade promotion authority. It would be a tragic example if we do not succeed in this area. Once again, that would mean the Senate has failed to do its work, especially after such good bipartisan work has been done in committee.

I encourage Senator GRASSLEY and Senator BAUCUS to continue in the spirit in which they reported this bill from committee to the full Senate.

I yield the floor.

Mr. GRASSLEY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

OPPOSITION TO THE SECTION 245(i) PROVISION AND AMNESTY FOR ILLEGAL ALIENS

Mr. BYRD. Mr. President, last week, CNN broke the news that, six months after the attacks on the World Trade Center and the Pentagon, the Immigration and Naturalization Service finally provided a confirmation notice to a Florida flight school that two of the suicide hijackers who died on September 11 had been approved for student visas.

The American people must have been shaking their heads in dismay. Certainly many politicians viewed the incident with incredulity and anger. Our President said he was "plenty hot." The Attorney General promised an investigation. Legislators and pundits have called for the restructuring—and even for the abolishment—of the INS.

I find it hard to understand the apparent shock. That this incident occurred should come as no surprise to anyone who has read anything in recent months about the inept manner in which our immigration system is apparently operating. In the aftermath of the September 11 attacks, the American people heard repeatedly about the lapses in our immigration laws that allowed these terrorists to enter our country. Three of the terrorists were in the country on expired visas and should have been deported. Countless federal reports and investigations have concluded that INS is plagued by backlogs and delays. The agency has little sense of who is crossing our borders, and can't track individuals once they are inside the country.

As if to try to provide some logic for its bumbling, the INS said in a statement last week that it had no information at the time that it approved these student visas that either man was tied to terrorist groups. I hardly find any comfort in that. It doesn't explain why Mohammed Atta's visa extension kept winding its way through the bureaucratic process for months after he became recognized internationally as a brutal terrorist.

Since September 11th, the Administration has sought to reassure the American people that this government was taking steps to reinforce that invisible barrier that ostensibly protects our citizens from foreign threats. The

American people were told that this government is doing all that it can to strengthen our borders and make Americans safe.

But then this CNN report is unveiled, reinforcing the negative impression that most Americans have of our Nation's border security.

If the American people went to bed last Tuesday night in dismay over this latest INS debacle, they must have been absolutely dumbfounded when they awoke Wednesday morning to learn that the House of Representatives had passed, at the request of the President, what amounts to an amnesty for hundreds of thousands of illegal aliens, many of whom have not undergone any—any—background or security check.

Supporters of the House-passed extension of the so-called Section 245(i) provision were quick to claim that it is not an amnesty. The issue, they argue, is where you fill out your paper work—here or abroad. That is nonsense—N-O-N-S-E-N-S-E, nonsense. Section 245(i)—amnesty is amnesty—pure and simple.

The section 245(i) provision, which expired last April, allows undocumented immigrants to seek permanent residency without leaving the United States, if—if—they pay a \$1,000 fee and have a close relative or employer sponsor them. Without the provision, these immigrants would be forced to leave the country, and under tougher illegal immigration reforms passed in 1996, be barred from reentering for up to 10 years.

If waiving tougher penalties for illegal aliens is not a form of amnesty, then I don't know what is.

Those who support reviving the 245(i) provision impress upon us that there are many, many individuals who came to this country legally, but became lost in the huge backlog of paperwork at the Immigration and Naturalization Service. Thus their visas expired while they were awaiting the processing of paperwork and they continued to live in the United States illegally and undetected.

I don't doubt that many of these individuals are well-meaning and have attempted to follow the law. I recognize that many of these individuals, if not for some type of legal exemption, will have to leave the country and be separated from their families. But we must not forget that three of the September 11 terrorists were living in the United States on expired visas. An additional two terrorists—Mohammad Atta and Marwan al-Shehhi tried to change their visa status while they were in the United States, and, thus, were allowed to begin their flight training at a Florida school. And as we learned in these last few days, not only did the Immigration and Naturalization Service never catch them, but months after September 11, the Immigration and Naturalization Service was still issuing paperwork clearing the way for these two terrorists to enter the stream of American society.